

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SANDRA TEDFORD, et al.,

Plaintiffs,

CIVIL CASE NO. 06-15392

v.

TAYLOR POLICE OFFICER SZOKOLA, et al.,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Defendants.
_____ /

ORDER ACCEPTING REPORT AND RECOMMENDATION

Before the Court are Defendants' motion for summary judgment and the Report and Recommendation of the Honorable Virginia M. Morgan, United States Magistrate Judge. The Magistrate Judge recommends that this Court grant Defendants' motion in part. In particular, the Magistrate Judge recommends that Defendant Zachary be dismissed from this action as conceded by Plaintiffs; that Defendant Hill be dismissed from this action because he is entitled to qualified immunity; and that the excessive force and unlawful arrest claims against Defendants Szokola and Shewchuk be allowed to proceed.

The Magistrate Judge served the Report and Recommendation on all parties on June 26, 2008 and notified the parties that any objections must be filed within ten days of service. Accordingly, any objections should have been filed by approximately July 14, 2008. Neither party filed objections to the Report and Recommendation.

The Court's standard of review for a Magistrate Judge's Report and Recommendation depends upon whether a party files objections. If a party does not object to the Report and Recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed,

“[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the Report and Recommendation, the Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry #27] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that the Defendants’ motion for summary judgment [docket entry #15] is **GRANTED IN PART and DENIED IN PART**. Defendant Zachary is dismissed from this action, as conceded by Plaintiffs. Defendant Hill is dismissed from this action, as he is entitled to qualified immunity. The excessive force and unlawful arrest claims against Defendants Szokola and Shewchuk are allowed to proceed.

SO ORDERED.

Dated: July 30, 2008

s/Sean F. Cox for
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on August 4, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Gina U. Puzzuoli; Daniel G. Romano, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(810) 341-7845